

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In Re TERRORIST ATTACKS on)	03 MDL 1570 (RCC)
SEPTEMBER 11, 2001)	ECF Case
)	

This document relates to:

Cantor Fitzgerald & Co. et al. v. Akida Bank Private Ltd., et. al. 04-CV-7065 (RCC)

**PROPOSED ORDER SETTING THE BRIEFING SCHEDULE FOR THE MOTIONS TO
DISMISS OF DEFENDANTS DALLAH AL BARAKA, SALEH ABDULLAH KAMEL
AND AL BARAKA INVESTMENT AND DEVELOPMENT CORPORATION**

Defendant Dallah Al Baraka's Motion for Leave to File its Motion to Dismiss Out of Time having come before this Court and on reading the opposition papers submitted to the Court by plaintiffs Cantor Fitzgerald & Co. and its affiliates ("Cantor Fitzgerald") and plaintiffs the Port Authority of New York and New Jersey and its affiliates (the "Port Authority"), and

WHEREAS defendant Dallah Al Baraka's Motion to Dismiss the complaint filed by plaintiffs Cantor Fitzgerald and the Port Authority in the above captioned matter was due to be filed on May 16, 2005, and Dallah Al Baraka failed to file its Motion to Dismiss on that date,

WHEREAS, while the parties were negotiating a mutually agreeable briefing schedule with respect to Dallah Al Baraka's Motion to Dismiss, on June 10, 2005, counsel for Dallah Al Baraka filed its Motion to Dismiss with a Motion for Leave to File Out of Time,

WHEREAS, on December 6, 2004, defendants Saleh Kamel and Al Baraka Investment and Development Corporation filed motions to dismiss the complaint filed by Cantor Fitzgerald and the Port Authority,

WHEREAS Cantor Fitzgerald and the Port Authority and Saleh Kamel and Al Baraka Investment and Development Corporation agreed, by stipulation dated February 1, 2005, to stay

briefing on those defendants' motions to dismiss until after the Court held a "status conference" in 03 MDL 1570, at which time, the parties would file a separate stipulation and proposed order setting forth a new briefing schedule for those motions to dismiss, it is hereby

ORDERED that Dallah Al Baraka's Motion for Leave to File its Motion to Dismiss Out of Time is granted in part, and it is further

ORDERED that defendant Dallah Al Baraka may file its Motion to Dismiss notwithstanding that that motion is untimely, and it is further

ORDERED that plaintiffs Cantor Fitzgerald and the Port Authority shall file opposition papers, if any, to Dallah Al Baraka's Motion to Dismiss no later than sixty (60) days from the date of this Order, and it is further

ORDERED that plaintiffs Cantor Fitzgerald and the Port Authority shall file opposition papers, if any, to defendants Saleh Kamel and Al Baraka Investment and Development Corporation's Motion to Dismiss no later than sixty (60) days from the date of this Order.

Dated: New York, New York
June ___, 2005

SO ORDERED:

Richard C. Casey
U.S.D.J.